



# PUBLIC NOTICE

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**DA 07-4923**  
**Released: December 7, 2007**

## **DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF LH TELECOM, INC. FROM LIGHTEDGE SOLUTIONS, INC. TO ANSCHUTZ COMPANY**

### **NON-STREAMLINED PLEADING CYCLE ESTABLISHED**

**WC Docket No. 07-282**

**Comments Due: December 21, 2007**  
**Reply Comments Due: December 28, 2007**

On November 23, 2007, LightEdge Solutions, Inc. (LightEdge), LH Telecom, Inc., and Anschutz Company (Anschutz or Transferee) (together, Applicants) filed an application pursuant to sections 63.03 and 63.04 of the Commission's rules requesting approval to transfer control of LH Telecom from LightEdge to Anschutz.<sup>1</sup>

The Applicants acknowledge that this application is not subject to presumptive streamlining under section 63.03(b) of the Commission's rules.<sup>2</sup> LH Telecom, an Iowa corporation, provides competitive interstate and intrastate telecommunications services in Illinois, Iowa, Minnesota, and Nebraska. Anschutz, a Delaware corporation, is wholly owned by Philip F. Anschutz, a U.S. citizen. Applicants state that Anschutz holds a non-controlling, 13.2 percent interest in Qwest Communications International, the ultimate corporate parent of Qwest Corporation (collectively, Qwest), an incumbent local exchange carrier serving a 14-state region that includes Iowa, Minnesota, and Nebraska. Because Transferee would not provide competitive telephone exchange services or exchange access services exclusively in geographic areas served by a dominant local exchange carrier that is not a party to the transaction, this application is not entitled to presumptive streamlined treatment.<sup>3</sup> In addition, no other presumptive streamlining category applies.

LH Telecom is a wholly owned subsidiary of LightEdge, an Iowa corporation that provides Voice over Internet Protocol service in Arizona, Illinois, Iowa, Nebraska, Minnesota, and Missouri. Applicants state that the following U.S. citizens and U.S.-based entities directly or indirectly own at least

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<sup>1</sup> 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants filed supplements to their application on December 5, 2007 and December 6, 2007.

<sup>2</sup> 47 C.F.R. § 63.03(b).

<sup>3</sup> 47 C.F.R. § 63.03(b)(2).

10 percent of the equity of LightEdge: John and Mary Pappajohn (10.67 percent); Iowa Farm Bureau Federation (24.07 percent), and Principle Life Insurance Company (11.45 percent).

Applicants state that Anschutz does not currently provide telecommunications services. Applicants further state that Anschutz's interest in Qwest does not give it, including its principal or employees, control over the management or operation of Qwest or any of Qwest's subsidiaries or affiliates. They state that Anschutz, its principal, and employees have no representation on Qwest's board of directors and that they do not participate in Qwest management. Applicants state that Anschutz does not anticipate that LightEdge and LH Telecom will have any relationship with Qwest and its affiliates other than through standard interconnection agreements.

Pursuant to a November 21, 2007 Agreement and Plan of Merger, Applicants state that LEAA, Inc., a newly formed Delaware corporation and wholly owned indirect subsidiary of Anschutz, will merge with and into LightEdge, with LightEdge surviving. As a result of the merger, LightEdge will become an indirect, wholly owned subsidiary of Anschutz, and LH Telecom will, in turn, become an indirect wholly owned subsidiary of Anschutz.

The Applicants state that the proposed transaction is in the public interest because it will strengthen the ability of LH Telecom to serve consumers and because LH Telecom will continue to provide service to its customers with no change in the rates, terms, or condition of service.

### **GENERAL INFORMATION**

The Wireline Competition Bureau finds, upon initial review, that the transfer of control identified herein is acceptable for filing as a non-streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 C.F.R. § 63.03(a), interested parties may file comments **on or before December 21, 2007**, and reply comments **on or before December 28, 2007**. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

**In addition, one copy of each pleading must be sent to each of the following:**

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, [www.bcpiweb.com](http://www.bcpiweb.com); phone: (202) 488-5300 fax: (202) 488-5563;
- 2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A103, Washington, D.C. 20554; email: [tracey.wilson-parker@fcc.gov](mailto:tracey.wilson-parker@fcc.gov);
- 3) Jodie May, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C234, Washington, D.C. 20554; e-mail: [jodie.may@fcc.gov](mailto:jodie.may@fcc.gov);
- 4) Jim Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: [jim.bird@fcc.gov](mailto:jim.bird@fcc.gov).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail [www.bcpiweb.com](http://www.bcpiweb.com).

For further information, please contact Tracey Wilson-Parker at (202) 418-1394, or Jodie May at (202) 418-0913.

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